

REFERENCES IN TEXT

Section 2, referred to in text, is section 2 of Pub. L. 101-157, Nov. 17, 1989, 103 Stat. 938, which amended section 206(a)(1) of Title 29, Labor, to increase the minimum wage.

The Fair Labor Standards Act of 1938, referred to in text, is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

House Resolution 558, referred to in subsec. (a)(2), was made applicable during the One Hundred Second Congress by Rule LI of the Rules of the House of Representatives of the One Hundred Second Congress. For the One Hundred Third Congress, Rule LI was amended generally and, as so amended, contains provisions relating to fair employment practices. Rule LI was continued without change for the One Hundred Fourth Congress.

§ 60l. Coverage of House and agencies of legislative branch

(a) Coverage of House

(1) In general

Notwithstanding any provision of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or of other law, the purposes of such title shall, subject to paragraph (2), apply in their entirety to the House of Representatives.

(2) Employment in House

(A) Application

The rights and protections under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

(B) Administration

(i) In general

In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

(ii) Resolution

The resolution referred to in clause (i) is the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988), as incorporated into the Rules of the House of Representatives of the One Hundred Second Congress as Rule LI, or any other provision that continues in effect the provisions of such resolution.

(C) Exercise of rulemaking power

The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

(b) Instrumentalities of Congress

(1) In general

The rights and protections under this title¹ and title VII of the Civil Rights Act of 1964 (42

U.S.C. 2000e et seq.) shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.

(2) Establishment of remedies and procedures by instrumentalities

The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively, except for the employees who are defined as Senate employees, in section 1201(c)(1) of this title.

(3) Report to Congress

The chief official of each instrumentality of the Congress shall, after establishing remedies and procedures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.

(4) Definition of instrumentalities

For purposes of this section, instrumentalities of the Congress include the following: the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Office of Technology Assessment, and the United States Botanic Garden.

(5) Construction

Nothing in this section shall alter the enforcement procedures for individuals protected under section 717 of title VII for the Civil Rights Act of 1964 (42 U.S.C. 2000e-16).

(Pub. L. 102-166, title I, §117, Nov. 21, 1991, 105 Stat. 1080.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsecs. (a)(1), (2)(A) and (b)(1), is Pub. L. 88-352, July 2, 1964, 78 Stat. 252, as amended. Title VII of the Act is classified generally to subchapter VI (§2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Rule LI of the Rules of the House of Representatives, referred to in subsec. (a)(2)(B)(ii), was amended generally for the One Hundred Third Congress and, as so amended, contains provisions relating to fair employment practices. Rule LI was continued without change for the One Hundred Fourth Congress.

This title, referred to in subsec. (b)(1), is title I of Pub. L. 102-166, Nov. 21, 1991, 105 Stat. 1071, which enacted this section and section 1981a of Title 42, The Public Health and Welfare, amended section 626 of Title 29, Labor, and sections 1981, 1988, 2000e, 2000e-1, 2000e-2, 2000e-4, 2000e-5, 2000e-16, 12111, and 12112 of Title 42, and enacted provisions set out as notes under sections 1981, 2000e, and 2000e-4 of Title 42. For complete classification of title I to the Code, see Tables.

EFFECTIVE DATE

Section effective Nov. 21, 1991, except as otherwise provided, see section 402(a) of Pub. L. 102-166, set out as an Effective Date of 1991 Amendment note under section 1981 of Title 42, The Public Health and Welfare.

§ 60m. Leave for certain Senate employees

(a) Coverage

The rights and protections established under sections 2611 through 2615 of title 29 shall apply

¹ See References in Text note below.

with respect to a Senate employee and an employing office. For purposes of such application, the term “eligible employee” means a Senate employee and the term “employer” means an employing office.

(b) Consideration of allegations

(1) Applicable provisions

The provisions of sections 304 through 313 of the Government Employee Rights Act of 1991 (2 U.S.C. 1204–1213) shall, except as provided in subsections (d) and (e) of this section—

(A) apply with respect to an allegation of a violation of a provision of sections 2611 through 2615 of title 29, with respect to Senate employment of a Senate employee; and

(B) apply to such an allegation in the same manner and to the same extent as such sections of the Government Employee Rights Act of 1991 apply with respect to an allegation of a violation under such Act [2 U.S.C. 1201 et seq.].

(2) Entity

Such an allegation shall be addressed by the Office of Senate Fair Employment Practices or such other entity as the Senate may designate.

(c) Rights of employees

The Office of Senate Fair Employment Practices shall ensure that Senate employees are informed of their rights under sections 2611 through 2615 of title 29.

(d) Limitations

A request for counseling under section 305 of such Act [2 U.S.C. 1205] by a Senate employee alleging a violation of a provision of sections 2611 through 2615 of title 29 shall be made not later than 2 years after the date of the last event constituting the alleged violation for which the counseling is requested, or not later than 3 years after such date in the case of a willful violation of section 2615 of title 29.

(e) Applicable remedies

The remedies applicable to individuals who demonstrate a violation of a provision of sections 2611 through 2615 of title 29 shall be such remedies as would be appropriate if awarded under paragraph (1) or (3) of section 2617(a) of title 29.

(f) Exercise of rulemaking power

The provisions of subsections (b), (c), (d), and (e) of this section, except as such subsections apply with respect to section 309 of the Government Employee Rights Act of 1991 (2 U.S.C. 1209), are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate. No Senate employee may commence a judicial proceeding with respect to an allegation described in subsection (b)(1) of this section, except as provided in this section.

(g) Severability

Notwithstanding any other provision of law, if any provision of section 309 of the Government Employee Rights Act of 1991 (2 U.S.C. 1209), or of

subsection (b)(1) of this section insofar as it applies such section 309 to an allegation described in subsection (b)(1)(A) of this section, is invalidated, both such section 309, and subsection (b)(1) of this section insofar as it applies such section 309 to such an allegation, shall have no force and effect, and shall be considered to be invalidated for purposes of section 322 of such Act (2 U.S.C. 1221).

(h) Definitions

As used in this section:

(1) Employing office

The term “employing office” means the office with the final authority described in section 301(2) of such Act (2 U.S.C. 1201(2)).¹

(2) Senate employee

The term “Senate employee” means an employee described in subparagraph (A) of section 301(c)(1) of such Act (2 U.S.C. 1201(c)(1)) who has been employed for at least 12 months on other than a temporary or intermittent basis by any employing office.

(Pub. L. 103–3, title V, § 501, Feb. 5, 1993, 107 Stat. 27; Pub. L. 103–283, title III, § 312(f)(4), July 22, 1994, 108 Stat. 1447.)

REFERENCES IN TEXT

The Government Employee Rights Act of 1991, referred to in subsec. (b)(1)(B), is title III of Pub. L. 102–166, Nov. 21, 1991, 105 Stat. 1088, as amended, which is classified generally to chapter 23 (§ 1201 et seq.) of this title. For complete classification of this Act to the Code, see section 1201(a) of this title and Tables.

AMENDMENTS

1994—Subsec. (h)(2). Pub. L. 103–283 struck out “or (B)” after “described in subparagraph (A)”.

EFFECTIVE DATE

Section effective 6 months after Feb. 5, 1993, see section 405(b)(1) of Pub. L. 103–3, set out as a note under section 2601 of Title 29, Labor.

§ 60n. Leave for certain House employees

(a) In general

The rights and protections under sections 2611 through 2615 of title 29 (other than section 2614(b) of title 29) shall apply to any employee in an employment position and any employing authority of the House of Representatives.

(b) Administration

In the administration of this section, the remedies and procedures under the Fair Employment Practices Resolution shall be applied.

(c) “Fair Employment Practices Resolution” defined

As used in this section, the term “Fair Employment Practices Resolution” means rule LI of the Rules of the House of Representatives.

(Pub. L. 103–3, title V, § 502, Feb. 5, 1993, 107 Stat. 28.)

EFFECTIVE DATE

Section effective 6 months after Feb. 5, 1993, see section 405(b)(1) of Pub. L. 103–3, set out as a note under section 2601 of Title 29, Labor.

¹ So in original. Probably should be section “301(c)(2) of such Act (2 U.S.C. 1201(c)(2)).”